

**REMARKS**

Claims 2, 4-5, 7, and 9-12 remain in this application. Claims 1, 3, 6, and 8 have been cancelled.

For the sake of clarity, claim 2 has been amended to replace the phrase “for supporting the blade in a transversely angulated position” with the phrase “for supporting the blade”. The amendments to claim 2 are clearly supported by the specification, as originally filed. Accordingly, no new matter has been added.

Applicants’ invention provides a utility knife for glaziers and SHEET ROCK (TM) dry wall workers having a two-part handle. The handle clamps a detachable reversible knife blade at a transverse angulated position with respect thereto. Vertical cuts can be made in tight corners without applying excessive force. The transversely angulated knife blade affords access, permitting vertical cuts in tight corners. During cutting the user’s hands are displaced from the cutting line, and kept from being inline with the cutting blades, thereby preventing injury.

**Claim Objections**

Claims 2, 4, and 5 have been objected to because of certain informalities.

Regarding claim 2, the Examiner has suggested replacing the phrase “for supporting the blade in a transversely angulated position” with the phrase “for supporting

the blade”. In order to overcome the objection, claim 2 has been amended according to the Examiner’s suggestions.

Regarding claims 4 and 5, the Examiner has noted that the ranges in claims 4 and 5 are “about 100 degrees to about 170 degrees” and “about 135 degrees to about 150 degrees” respectively. The Examiner has indicated that there is no support for these ranges in the specification. In accordance with the Examiner’s suggestions, the word “about” has been added at several locations in the specification. In particular, the amendments to the specification are described hereinabove at page 5 of this paper. In view of the amendments to the specification, it is submitted that present claims 4 and 5 are adequately supported by the specification.

Accordingly, reconsideration of the objection to claims 2, 4, and 5 because of certain informalities is respectfully requested.

### **Claim Rejections – 35 USC § 103**

Claims 2, 4, 5, 7, and 9-12 were rejected under 35 USC 103(a) as being unpatentable over Seltzer, Jr. (USP 5,174,028) in view of Joanis et al. (USP 3,845,554) and Burchell (6,321,455).

Seltzer, Jr. discloses a utility knife having a handle with two or more angular bends. The utility knife has a replaceable blade, which may be retractable, clamped in the nose of the knife handle. The knife handle is hollow and separable to accommodate the storage of spare blades in the handle. Most utility knives either have handles which are

substantially straight or which have a single angular bend. These knives are more limited in their application or produce difficulty in cutting materials in an obstructed area. A knife having a handle with two or more bends enables the user to cut materials in close quarters or in obstructed areas with greater ease. Different handles provide greater reach or leverage under different circumstances. An alternative knife includes a handle with two or more angular bends, one of which is adjustable. This allows the user to select a configuration that offers optimum reach and leverage. A knife of this type is said to be particularly useful in cutting around radiators, toilets, cabinets and appliances. Another alternative knife includes a handle with a nodule on the butt end opposite the blade end. This nodule is said to aid the grip by the user.

Joanis et al. disclose a flat sheet steel knife blade with three equidistantly spaced openings. Two of these openings permit the blade to be used in one, or a reversed position, in a holder made up of two separable mating parts. These handle parts need not be separated in order to remove the blade for reversing or replacement. A leaf spring mounted in the holder has projecting pins which are adapted to enter the two blade openings in the blade, said leaf spring being manually movable between a blade clamping and a blade release position.

Burchell discloses a windshield remover knife. The knife is principally comprised of a straight, elongated shaft having a pivotal neck portion securing a cutting blade for cutting through the adhesive, elastomeric bond holding the windshield in place. When the shaft is held by an operator in a horizontal position, the neck portion can be secured in the same identical plane as the shaft with the cutting edge of the blade facing downward. In

this horizontal position, the neck portion can also be pivoted and secured in pivotal alignment to the left or right of this plane of the shaft at any angle up to 90°. In this manner the neck portion of the knife can be configured to even extreme windshield curvatures while maintaining the shaft portion in a comfortable position for rapid and efficient cutting of the adhesive bond

The Examiner has stated that in regards to claim 2, Seltzer, Jr. discloses the same invention including a reversible detachable blade having a sharp edge (16), a two-piece handle (22d and 30d in Figure 6A) for supporting the blade in a transversely angulated position (Figs. 6A and 7), the handle comprising a one-piece left side member (30d) and a one-piece right side member (22d), wherein the left side member is removably attached to the right side member to create the handle (Fig. 6A), the handle including a gripping portion (62) and a blade supporting portion (24d), the gripping portion is angulated with respect to the blade and the blade supporting portion (62 and Fig. 6A), a locating means disposed within the blade supporting portion for capturing the knife (inner portions of 22d and 30d), channel means disposed within the blade supporting portion for containing and supporting the blade in a vertical plane (Fig. 7), a clamping means for clamping the left and right side members and supporting the knife blade in a horizontal plane (20), a cavity for holding extra knife elements (36), the user may expose a fresh edge of the blade by replacing the blade with a new blade from the cavity (36).

The Examiner has admitted that Seltzer, Jr. fails to disclose a structure wherein the blade has a plurality of anchoring holes, and the gripping portion is angulated with

respect to the blade and the blade supporting portion, when viewed in the plane defined by the blade.

The Examiner has stated that Joanis et al. teaches that it is old and well known in the art of utility blades to incorporate a blade with a plurality of anchoring holes (34a and 34b). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Seltzer, Jr. with a blade featuring a plurality of anchoring holes to allow the user to set the blade in specific pre-determined positions and to prevent the blade from rotating when the users applies a torque force to the apparatus.

The Examiner has further stated that Burchell teaches that it is old and well known in the art of utility blades to incorporate a structure wherein the gripping portion is angulated with respect to the blade and the blade-supporting portion when viewed in the plane defined by the blade (66). Seltzer, Jr. discloses a gripping portion that moves but does not move out of the blade plane when view in a side view defined by the plane of the blade. Burchell teaches that it is old and well known to rotate that pivot 90 degrees to allow the gripping portion to move in and out of the blade plane. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Seltzer, Jr. with a gripping portion that is angulated with respect to the blade and the blade-supporting portion when viewed in the plane defined by the blade, as taught be Burchell, to allow the user to use the blade in situations featuring areas similar to windshield removal.

Applicants submit that present claim 2 patentably defines over Seltzer, Jr. in view of Joanis et al and further in view of Burchell.

First, present claim 2, calls for a utility knife having a two-piece handle for supporting the blade, where the handle comprises a one-piece left side member and a one-piece right side member, wherein the left side member is removably attached to the right side member in order to create the handle. On the other hand, Seltzer, Jr. discloses a handle having three pieces and which therefore does not have a one-piece left side member and a one-piece right side member.<sup>1</sup> More specifically, Seltzer, Jr. discloses a handle 22d having a first element 60 and a second element 62 (gripping portion), wherein the first element 60 includes a first half 64 and a second half 66. Accordingly, it is respectfully submitted that Seltzer, Jr. discloses a three-piece handle. It is further submitted that any handle construction having a pivot point cannot also include a one-piece left side member and a one-piece right side member, as required by present claim 2. This observation is supported by the design of the Seltzer, Jr. handle, which clearly requires three pieces.

Second, present claim 2, calls for a utility knife wherein said gripping portion is angulated with respect to said blade and said blade supporting portion *when viewed from a side view in the plane defined by said blade*. Applicants have recited the advantages of having a knife blade that is angulated in such a manner in the specification as originally filed. Page 14, line 16 to page 15, line 2, of applicants' specification states, for example:

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<sup>1</sup> The Examiner has stated at page 3 of the January 18, 2007 Office action that Seltzer, Jr. discloses "a two-piece handle (22d and 30d in Figure 6A) for supporting the blade in a transversely angulated position (Figs. 6A and 7), the handle comprising a one-piece left side member (30d) and a one-piece right side member (22d)." Applicants note that callout 22d actually describes the entire handle and that callout 30d actually describes a first section of the second half 66 of the first element 60 of the handle 22d. See Seltzer, Jr. at Col. 3, line 45 to Col. 4, line 17. For the sake of argument, applicants will assume that the Examiner intended to point out the first half 64 and the second half 66 of the first element 60 as teaching a one-piece left side member and a one-piece right side member.

“As a consequence of the transverse angulation of its handle, the utility knife is especially convenient for use in window glazing applications, since the hand is not located in-line with the blade. The transverse angulation may be in the range of 10 degrees to 80 degrees and more preferably between 30 to 45 degrees. The knife no longer needs to be angled in making cuts in tight corners and cuts, which is essentially perpendicular to the surface can be easily made since the size of the hand is accommodated by the transverse angulation of the handle. The utility knife can be used in right angle applications such as scoring of linoleum or sheet rock in tight places, such as corners and the like. Previous utility knives have been stubby and straight. These prior art configurations prevented facile operation of the knife, owing, in part, to interference from the operator’s hands”.

The Examiner has argued that Burchell teaches that it is old and well known in the art of utility blades to incorporate the gripping portion is angulated with respect to the blade and the blade-supporting portion when viewed in the plane defined by the blade (66). Seltzer, Jr. discloses a gripping portion that moves but does not move out of the blade plane when viewed in a side view defined by the plane of the blade. Burchell teaches that it is old and well known to rotate that pivot 90 degrees to allow the gripping portion to move in and out of the blade plane. According to the Examiner, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Seltzer, Jr. with a gripping portion is angulated with respect to the blade and the blade-supporting portion when viewed in the plane defined by the blade, as taught be Burchell, to allow the user to use the blade in situations featuring areas similar to windshield removal.

Applicants respectfully traverse this argument. MPEP 2143.01(V) states that the proposed modification cannot change the principle of operation of a reference – “If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (Claims were directed to an oil seal comprising a bore engaging portion with outwardly biased resilient spring fingers inserted in a resilient sealing member. The primary reference relied upon in a rejection based on a combination of references disclosed an oil seal wherein the bore engaging portion was reinforced by a cylindrical sheet metal casing. Patentee taught the device required rigidity for operation, whereas the claimed invention required resiliency. The court reversed the rejection holding the “suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate.” 270 F.2d at 813, 123 USPQ at 352.)” (emphasis added).

Here, the pivot point of the Seltzer, Jr. handle is designed to operate such that it requires a portion of the second element 62 to overlap a portion of the first element 60 (See Fig. 7). Further, the gripping portion is designed to operate such that it is pivoted in the same plane as the blade (See Fig. 7). The Examiner has argued that it would have been obvious “to rotate that pivot 90 degrees to allow the gripping portion to move in and out of the blade plane”. However, because a portion of the second element 62 is designed to overlap a portion of the first element 60, the pivot point could not simply be rotated 90



degrees while at the same time not also rotating the blade from its original plane. Accordingly, such a modification to the Seltzer, Jr. handle would require substantial reconstruction and redesign of the elements in order for pivot to be arranged such that the gripping portion moves in and out of the blade plane and would result in a change in the basic principle under which the primary reference's (Seltzer, Jr.) handle construction was designed to operate. Therefore, it is respectfully submitted that the combined teachings of Seltzer, Jr. in view of Joanis et al. and further in view of Burchell, as proposed by the Examiner, are not sufficient to render present claim 2 *prima facie* obvious.

Further, Seltzer, Jr. in view of Joanis et al. and further in view of Burchell do not teach each and every element of claim 2, as amended. Therefore, it is submitted that present claim 2 patentably defines over Seltzer, Jr. in view of Joanis et al. and further in view of Burchell.

Regarding claims 4, 5, 7, and 9-12, these claims are directed to preferred embodiments of the invention recited by claim 2, as amended. Each of claims 4, 5, 7, and 9-12 depends from present claim 2, which applicants believe to be patentable over Seltzer, Jr. in view of Joanis et al. for the aforesaid reasons. Accordingly, it is respectfully submitted that claims 4, 5, 7, and 9-12 are patentable over Seltzer, Jr. in view of Joanis et al. by definition for the same reasons.

In contrast to the teachings of the cited references, taken alone or in combination, applicants have discovered that having the gripping portion angulated with respect to the blade and the blade supporting portion *when viewed from a side view in the plane*

defined by the blade produces a unique utility knife construction which, advantageously, provides easy and safe access to tight corners while installing window glazing and/or SHEET ROCK (TM) dry wall. Further, applicants have discovered that having a two-piece handle, comprising a one-piece left side member and a one-piece right side member, which is devoid of any pivot point provides a more reliable and safer handle that minimizes the risk of injury to its user when applying significant forces thereto. When compared to any utility knife constructed from the combined teachings of the cited references, the utility knife called for by applicants' present claims 2, 4, 5, 7, and 9-12 provides enhanced leverage, access, and visibility, and clearly provides a higher margin of safety for users while working in tight environments.

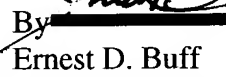
Accordingly, reconsideration of the rejection of claims 2, 4-5, 7, and 9-12 under 35 USC §103(a) as being unpatentable over Seltzer, Jr. in view of Joanis et al. and further in view of Burchell is respectfully requested.

**Conclusion**

In view of the amendments to the claims and the specification, and the remarks set forth above, it is respectfully submitted that the present application is in allowable condition. Reconsideration of the rejection of claims 2, 4-5, 7, and 9-12, as amended, and their allowance are earnestly solicited.

Respectfully submitted,  
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